



Peter M. Green  
U.S. Environmental Protection Agency  
ENSV/EMWC  
300 Minnesota Ave  
Kansas City, Kansas 66101-2907

RE: NPDES Permit No. NER910000

Big Ox Energy Siouxland

BOE Response to Notice of Potential National Pollution Discharge Elimination System  
(NPDES) Permit Violation

Dear Mr. Green,

It was a pleasure meeting you and it was great to be able to share Big Ox Energy's ("BOE's") renewable energy goals, including recovering natural gas and CO<sub>2</sub> from waste materials and being 100% non-reliant on the earth's water and gas resources for plant operations in the future. I do appreciate your guidance and comments along with Lantz, Curtis, and Terry as it is important for us to learn and to make us a stronger company overall.

I met with the staff of the plant after the visit and BOE could not locate any of the information needed to provide detailed written documentation of the three outlined potential violations, other than the printouts that I received from McMahon when you had asked for them. The two key team members who worked on the permits and were listed in the plans are no longer with BOE. With Ron Harnack, who was in charge of the inspections and recordkeeping, leaving the Plant Manager position, BOE could not locate the files that he had submitted or filed onsite at the plant.

I contacted our engineering firm, McMahon Engineers and Architects, who was instrumental in developing the Construction Storm Water General Permit Notice of Intent, the actual Construction Storm Water ("CSW") permit and the Storm Water Pollution Prevention Plan ("SWPPP") to discuss where BOE stood with our permit documentation, potential violations, and necessary corrective actions. McMahon contacted the Nebraska Department of Environmental Quality ("NDEQ") office and confirmed that BOE had submitted a copy of the CSW General Permit Notice of Intent and that it was approved. McMahon also asked whether the CSW had been closed out, which it had not been. McMahon was informed by Emma Truit that a Notice of Termination should have been submitted to close out the permit; however, the CSW permit that covered our facility had been updated. Emma said that she would just terminate the permit and a Notice of Termination would not be required to be submitted. Please let me know if BOE needs to follow up on any further action here. McMahon also had a copy of the actual document that Ron Harnack had submitted and that had been received by the NDEQ on June 20, 2016 along with the resultant NDEQ acknowledgement on July 26, 2016.

I have sat down with McMahon and have reviewed the existing SWPPP that they have on file. BOE is in the process of updating the entire permit to reflect the proper team member assignments. Perry Winkler is BOE's new Plant Manager, and George Hoyes is the new Corporate Operations Manager. BOE is also reviewing the all of the requirements of this permit and putting action plans in place to address them as required. Below are the action items that BOE is currently working on:

- Proper documentation and training of personnel and responsibilities
  - Facility Contact Person – **Completed**
  - Update of the Stormwater Pollution Team – **Completed**
  - Training Log for SWPPP monitoring – In Progress
- Update of the pollutants onsite – **Completed**
- Review of the spill and leak potential areas – In Process
  - After reviewing the spill on the concrete during the walk-through, BOE decided to review all the areas of the plant again for potential risks
  - The seeding of the new areas will be reviewed and reseeded as necessary in the spring to prevent run
- Creation of internal leak/spill investigation form – In Process
  - This was recommended during the walk-through on January 11<sup>th</sup>
  - Spill observed during the walk through on the north side of the receiving bay was cleaned and the new form will be used to properly document the incident
- Documentation of housekeeping measures and maintenance activities
  - Although the documentation is not written down for these items, they are completed almost on a daily basis.
  - A check-off list is being compiled with existing cleaning practices. The plant has a maintenance software for work orders that BOE is looking into using for this practice
- Monitoring location labeling – In Progress
  - Each of the outfall points will be labeled
- Section 6.2 of the SWPPP
  - McMahon is in the process of creating a procedures form for the quarterly benchmarking
  - BOE will use the ACS lab to complete the analytic testing
  - BOE will sample upon the next sizable event
- Section 6.2.1 of the SWPPP
  - McMahon has put together a Facility & Site Inspection Report worksheet that the plant personnel can use to record the data

- BOE is working on implementing this worksheet in plant operations
  - This will be completed this month
- Section 6.2.2 of the SWPPP
  - McMahon has put together a plant Quarterly Visual Assessment worksheet that plant personnel can use to record the data
  - Currently, BOE is waiting for an event to be able to perform the Visual Assessment
- BOE intends on filling out the Annual Comprehensive Assessment as part of this review of the entire SWPPP at the Siouxland Facility
  - BOE will work with McMahon on a form for this assessment
  - BOE expects to have this completed by the first part of February

BOE is making great progress in organization, follow-through, and proper written documentation in all areas related to the SWPPP. BOE has been very vigilant on making sure that there have been no spills or leaks that could possibly pollute the stormwater exiting the facility. I believe the walk through on January 11<sup>th</sup> outlined the care and diligence that the plant has put into place to make sure that there are no pollutants making their way to the stormwater flows.

Sincerely,

Jason Osbahr  
Director of Project Development and Engineering